IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

NOTICE OF MOTION NO.93 OF 2006
IN
APPEAL NO.19 OF 2006
IN
SUIT NO.2145 OF 1985

The Wallace Flour Mills Co.Ltd. Appellant
vs.
New Era Engineering Co.Ltd. Respondent

Mr.Prakash Mahadik for the appellant.

Mr.R.T.Parekh for the respondent.

CORAM : R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED : 17th January 2006

P.C.

Heard.

2. Subject to appellant depositing a sum of Rs.2,00,000/- (Rupees two lacs) with the Prothonotary & Senior Master within four weeks from today, the execution of the impugned decree shall remain stayed.

3. The decree-holder shall be entitled to withdraw the amount on furnishing the solvent surety or security to the satisfaction of Prothonotary & Senior Master.

4. In case the amount is not deposited by the appellant within the aforesaid time, the decree-holder shall be

free to execute the decree. It is also clarified that upon depositing the amount of Rs.2,00,000/- (Rupees two lacs) as aforedirected , if within reasonable time the decree holder does not furnish the solvent surety or security, the Prothonotary & Senior Master shall invest the said amount in the fixed deposit in any nationalised Bank initially for a period of three years, renewable thereafter each time for the same period until disposal of appeal.

(R. M. LODHA, J.)

(ANOOP V. MOHTA, J.)